

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

TRACY HUNTER

Petitioner,

-v-

**WARDEN, CHILLICOTHE
CORRECTIONAL INSTITUTION**

Respondent.

Case No. C-3:09-cv-393

**Judge Thomas M. Rose
Magistrate Judge Michael J. Newman**

ENTRY AND ORDER OVERRULING HUNTER'S OBJECTIONS (Doc. #19) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS; ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #17) IN ITS ENTIRETY; DISMISSING HUNTER'S PETITION FOR A WRIT OF HABEAS CORPUS WITH PREJUDICE; DENYING HUNTER LEAVE TO APPEAL IN FORMA PAUPERIS AND A CERTIFICATE OF APPEALABILITY; AND TERMINATING THIS CASE

This matter comes before the Court pursuant to pro se Petitioner Tracy Hunter's ("Hunter's") Objections (doc. #19) to Magistrate Judge Michael J. Newman's Report and Recommendations (doc. #17). The time has run and the Warden has not responded to Hunter's Objections. Hunter's Objections are, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Hunter's Objections to the Magistrate Judge's Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations is adopted in its entirety.

Hunter's Petition for a Writ of Habeas Corpus is DENIED WITH PREJUDICE. Further,

because reasonable jurists would not disagree with this conclusion, Hunter is denied leave to appeal in forma pauperis and any requested certificate of appealability. Finally, the captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Sixth Day of July, 2012.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Tracy Hunter at the last address of record